

Order

Of the Bar Harbor Town Council

For the June 8, 2010 Town Meeting

It is hereby ordered that the following article be placed on the town meeting warrant with voting thereon to be held by Australian ballot.

Warrant Article

LAND USE ORDINANCE AMENDMENT –Certificate of Occupancy and Performance Guarantee Standards – Shall an Ordinance dated February 2, 2010 and entitled “An amendment to revise standards for Certificate of Occupancy and Performance Guarantee’s” be enacted?

Standards for Certificate of Occupancy and Performance Guarantee

An amendment to revise standards for Certificate of Occupancy and Performance Guarantee’s.

The Town of Bar Harbor hereby ordains that Chapter 125 of the Town Code is amended as follows:

[Please Note: Old language is ~~stricken~~. New language is underlined.]

Chapter 125 , LAND USE ORDINANCE

ARTICLE VIII Permits

§ 125-80. Certificate of occupancy.

A certificate of occupancy, certifying that all applicable provisions of this chapter have been satisfied, shall be obtained from the Code Enforcement Officer:

- A. After a building, structure or part thereof has been erected, altered, enlarged or moved pursuant to a permit, site plan approval or subdivision approval, for the proposed use before the building or structure or part thereof may be used or occupied;

- B. After a site has been modified or otherwise developed pursuant to a permit, site plan approval, or subdivision approval to ensure all terms, conditions and the plan approved by the Planning Board, the Design Review Board, the Board of Appeals, the Planning Department or the Code Enforcement Officer, as applicable, have been met;
- ~~B.C.~~ After a building has been modified to accommodate additional dwelling units, before such units may be used or occupied;
- ~~C.D.~~ After a building or structure has been modified to accommodate a home occupation, before said home or structure may be used or occupied for a home occupation;
- ~~D.E.~~ Before a change in use of a nonconforming structure or lot;
- ~~E.F.~~ Before the occupancy and use, or change in use, of vacant land, except for the raising of crops.

ARTICLE IX Performance Guarantees

§ 125-93. Required improvements.

A. Applicants whose developments are subject to site plan or subdivision review shall provide performance guarantees sufficient to ensure the completion of the following improvements in the town rights of way, easements or property:

- (1) Monuments required by § 135-69N(1);
- (2) Planting, buffering or screening required by § 125-67E(12) and H or 125-69L(6);
- (3) Street signs;
- (4) Streets;
- (5) Sidewalks;
- (6) Water supply facilities, including fire hydrants or ponds;
- (7) Sewage disposal facilities;
- (8) Stormwater drainage facilities;
- (9) Utilities;
- (10) Restoration of mining sites pursuant to § 125-69L(5).

B. Performance Guarantees may also be used for improvements on private property. An applicant may request permission to provide a performance guarantee to assure that all terms, conditions and plans approved by the Planning Board, the Design Review Board, the Board of Appeals, or the Planning Department will be constructed within a year of the lawful issuance of an occupancy permit. Said permission shall be reviewed by the permitting authority and as required in this article.

EXPLANATION: *This ordinance requires that all elements of an approved site plan or subdivision are completed before the issuance of occupancy permits unless a performance guarantee is provided to the Town.*

Given under our hands and seal at Bar Harbor this ninth day of February 2010.

Municipal Officers of the Town of Bar Harbor

Sandy McFarland, Chair

Ruth A. Eveland, Vice Chair

Jane Disney, PhD.

Robert L. Jordan, Jr.

Peter St. Germain

Greg Veilleux

Paul A. Paradis, Secretary